IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 326 of 2001
(Old No. 1599 of 1999)

Sarju Prasad Tyagi S/o Sri N.S. Tyagi
R/o 826 Dayanand Nagri
Jwalapur
District Haridwar .... Applicant

Versus

1. Additional Chief Judicial Magistrate II
Haridwar
2. Sri Ratan Singh Solanki
S/o Sri Ram Singh
R/o Dayanand Nagri
Jwalapur
District Haridwar ... Opposite Parties

Hon'ble B.C. Kandpal, J.

This case has been transferred from Allahabad High Court and after receipt of the record, the notices were served to the parties.

The report of the process server has been received, which reveals that the petitioner does not reside on the address given in the petition and his whereabouts are not known.

As far as the opposite party No. 2 is concerned, the notice also could not be served upon him.

This petition has been filed by Sarju Prasad Tyagi for quashing the proceedings in Criminal Case No. 49 of 1994 State Vs. S.P. Tyagi pending in the court of Additional Chief Judicial Magistrate II, Haridwar in case crime No. 169 of 1994, under Sections 323, 325, 504, 506 and 427 of I.P.C.

I have heard learned A.G.A. and perused the record.

No detail reasons for summoning order is needed and the proceedings cannot be disturbed on this count alone.

I do not find any abuse of process of court as well as any flagrant injustice in this case. To my mind, there is no justification for invoking the inherent jurisdiction by way of this petition under Section 482 Cr.P.C.

The petition is accordingly dismissed.

(B.C. Kandpal, J.)

27.04.2005
ASWAL